

## REMARKS

The Office Action dated June 29, 2004, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

Claims 1-3 have been amended, and claim 4 has been cancelled without prejudice. Applicant submits that the amendments made herein are fully supported in the specification and the drawings as originally filed, and therefore no new matter has been added. Accordingly, claims 1-3 and 7-9 are pending in the present application and claims 1-3 are respectfully submitted for reconsideration.

### Allowable Subject Matter

As a preliminary matter, Applicant appreciates the indication of allowable subject matter in claims 2 and 3 of the present application. Claims 2 and 3 have been amended in independent form to include all of the features of the base claim and any intervening claims. Therefore, Applicant submits that claims 2 and 3 are allowable.

In addition, Applicant appreciates the allowance of claims 7-9.

### Claim 1 Recites Allowable Subject Matter

Claims 1 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kishino (U.S. Patent No. 6,526,537, "Kishino"). Applicant respectfully traverses the rejection.

Claim 4 has been canceled without prejudice, and therefore the rejection with respect to this claim is now moot. As for claim 1, Applicant respectfully submits that this claim recites subject matter that is neither disclosed nor suggested in the cited prior art.

Claim 1 recites a method of marking an initial defective block in a semiconductor memory device having a memory area thereof divided into a plurality of blocks and provided with an ECC function, comprising the steps of detecting an initial defective block, and writing an ECC code known to cause an ECC error in a predetermined area of the initial defective block.

It is respectfully submitted that the prior art fails to disclose or suggest at least the step of writing an ECC code known to cause an ECC error in a predetermined area of the initial defective block.

The Office Action characterized Kishino as allegedly disclosing "a storage capable of generating an ECC for data and adding the ECC to the data to thereby form a read/write unit includes a writing circuit for generating an ECC for N of write data received from a host, adding N equally divided ECC code parts to the N write data, respectively, to thereby from N write units, and writing the N write units to N continuous addresses of a semiconductor memory device, respectively."

Applicant submits that Kishino fails to disclose or suggest each and every element recited in claim 1 of the present application. In particular, it is submitted that Kishino only teaches using an ECC for the purpose of error correction or for the purpose of detecting an error when such an error occurs. Kishino however, does not write an ECC code known to cause an error, but simply writes an ECC code that results in error detection when an error occurs. It is submitted that nowhere in the specification, does Kishino teach or suggest writing an ECC code known to cause an ECC error.

Therefore, Applicant submits that Kishino fails to disclose or suggest each and every element recited in claim 1 of the present application.

Moreover, to qualify as prior art under 35 U.S.C. §102, a single prior art reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Kishino fails to disclose or suggest each and every feature of claim 1. Accordingly, Applicant respectfully submits that claim 1 is not anticipated by nor rendered obvious by the disclosure of Kishino. Therefore, Applicant respectfully submits that claim 1 is also allowable.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

### **Conclusion**

In view of the above, Applicant respectfully submits that each of claims 1-3 recites subject matter that is neither disclosed nor suggested in the cited prior art. Applicants also submit that the subject matter is more than sufficient to render the claims non-obvious to a person of ordinary skill in the art, and therefore respectfully request that claims 1-3 be found allowable and that this application be passed to issue along with allowed claims 7-9.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300 referencing Attorney Docket No. 100353-00069.

Respectfully submitted,



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